

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Maurice Wyman Scott, Sr., a/k/a)	
Maurice Scott,)	C/A No.: 3:06-0340-MBS
)	
Petitioner.)	
)	
vs.)	
)	
South Carolina Department of Probation,)	O R D E R
Parole, and Pardon Services (SCDPPPS);)	
and the State of South Carolina,)	
)	
Respondents.)	
)	

Petitioner Maurice Wyman Scott, Sr. seeks relief pursuant to 28 U.S.C. §§ 2241 and/or 2254.

Plaintiff, appearing pro se, moves this court for an order compelling his immediate release from supervision by the South Carolina Department of Probation, Parole and Pardon Services.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. In accordance with the procedural provisions of 28 U.S.C. § 1915 and the Anti-Terrorism and Effective Death Penalty Act of 1996, the Magistrate Judge reviewed the petition and Special Interrogatories answered by Petitioner. On May 5, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the case be summarily dismissed because Petitioner has failed to exhaust his state law remedies. See 28 U.S.C. § 2254(b). Petitioner filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is dismissed without prejudice and without requiring Respondents to file a return.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

June 13, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.